IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 2363 of 2004
Date of Decision: 30.1.2007

State of Haryana and others ...Appellants

Versus

Fateh Chand ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Madan Gupta, Senior DAG, Haryana.

Shri Ashwani Talwar, Advocate, for the respondents.

HEMANT GUPTA, J.

The challenge in the present appeal is to the judgment and decree passed by the Courts below, whereby the suit for mandatory injunction to direct defendant No.1 that the suit land be withdrawn from the surplus pool, was dismissed, though a direction was issued to delete the entries in the revenue record showing the suit land as surplus.

The plaintiff-respondent Fateh Chand was owner of the land and vide orders dated 16.8.1985 and 9.9.1985, the Prescribed Authority declared the land measuring 363 kanals 19 marlas as surplus. But, the said order was set aside by the Commissioner on 5.5.1986 and the matter remanded to the Collector to redetermine the surplus area of Fateh Chand. However, the suit land continued to be reflected as surplus in the revenue record and therefore, the plaintiff sought the declaration.

On 15.9.2006, the learned counsel for the appellants had sought sometime to find out whether any order has been passed by the

Prescribed Authority consequent to the order passed by the learned Commissioner on 5.5.1986. However, today the learned counsel for the appellant has stated that no order has been passed, though the plaintiff has given his declaration on 16.6.1986.

In view of the above, I do not find any patent illegality or irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law in the present appeal.

Hence, the present appeal is dismissed.

However, it is open to the defendant-appellants to proceed in respect of land in dispute, in accordance with law.

30-1-2007 (HEMANT GUPTA)
ds JUDGE